

23-C-02472-S3

4/14/2023 8:29 AM
TIANA P. GARNER, CLERKIN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIACentral Mutual Insurance Company
a/s/o First Choice Industrial LLC
(Our File #316-1034)CIVIL ACTION
NUMBER _____

PLAINTIFF

23-C-02472-S3

VS

Echo Global Logistics, Inc.
R/A: Corporation Service Company
2 Sun Court, Ste 400
Peachtree Corners, GA 30092Melton Truck Lines, Inc.
808 N 161 St East Ave
Tulsa, OK 74116TForce Freight, Inc.
R/A: CSC of Cobb County, Inc.
192 Anderson St SE, Ste 125
Marietta, GA 30060

DEFENDANTS

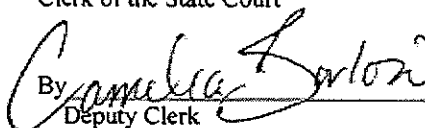
SUMMONS

TO THE ABOVE NAMED Defendants:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Ronald W. Parnell, P.C.
(Our File # 316-1034)
P. O. Box Drawer 81085
Conyers, GA 30013

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This _____ day of _____,
14th day of April, 2023Tiana P. Garner
Clerk of the State CourtBy 
Deputy Clerk

Includes: Summons and Complaint

IN THE STATE COURT OF GWINNETT COUNTY, GEORGIA #

PLAINTIFF: CENTRAL MUTUAL INSURANCE COMPANY

A/S/O FIRST CHOICE INDUSTRIAL LLC
(OUR FILE #316-1034)

23-C-02472-S3

VS

DEFENDANTS: ECHO GLOBAL LOGISTICS, INC.

MELTON TRUCK LINES, INC.

TFORCE FREIGHT, INC.

COMPLAINT FOR BREACH OF CONTRACT OF BAILMENT and GROSS NEGLIGENCE

1. Defendant Echo Global Logistics, Inc. is a corporation registered to do business in the State of Georgia and may be served with process through its registered agent domiciled in Gwinnett County. Venue is proper if at least one Defendant is a resident herein.

2. Defendant Melton Truck Lines, Inc. is subject to the jurisdiction of this Court pursuant to O.C.G.A. 9-10-91 by virtue of transacting business within this state and/or committing a tortious act within this state.

3. Defendant TForce Freight, Inc. is a corporation registered to do business in the State of Georgia and may be served with process through its registered agent domiciled in Cobb County, Georgia.

COUNT 1: BREACH OF CONTRACT OF BAILMENT

4. On or about October 28, 2022, First Choice Industrial LLC (hereinafter "Plaintiff's Insured") owned 5 crates of industrial machinery (hereinafter "said personal property") which were at various times under each Defendant's care, custody and control.

5. A bailment existed between Plaintiff's Insured and Defendants (O.C.G.A. 44-12-40) because Defendants had possession of said personal property for each Defendant's benefit between October 28, 2022 and November 11, 2022.

6. Between October 28, 2022 and November 11, 2022, said personal property was damaged while under each Defendant's care, custody and control.

7. Defendants negligently failed to exercise the required care and required diligence to protect said personal property and to keep it safe. (O.C.G.A. 44-12-43)

8. As a result, Plaintiff's Insured is entitled to recover \$125,000.00 principal amount as a result of each Defendant's breach of contract of bailment for their combined gross negligent failure to show proper diligence. (O.C.G.A. 44-12-44)

9. Plaintiff is subrogated to all rights and interest in the claim against Defendants as a result of making payments to or on behalf of Plaintiff's Insured under a policy of insurance.

COUNT 2: GROSS NEGLIGENCE

10. Paragraphs 1-9 are restated and realleged.

11. Defendants failed to use ordinary care to protect Plaintiff's Insured's property while the property was under their combined care, custody and control.

12. As a result, Plaintiff's Insured is entitled to recover \$125,000.00 principal amount as a result of each Defendant's grossly negligent failure to show proper diligence. (O.C.G.A. 51-1-4).

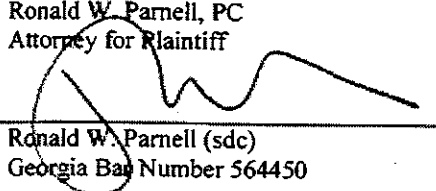
WHEREFORE, Plaintiff demands judgment against Defendants in the sum of \$125,000.00 plus costs and the legal rate of post-judgment interest.

April 14, 2023

NOTICE OF RESCISSION OF ELECTION TO BE SERVED ELECTRONICALLY

Counsel for Plaintiff hereby rescinds any election to be served with pleadings electronically in this case.

Ronald W. Parnell, PC
Attorney for Plaintiff



Ronald W. Parnell (sdc)
Georgia Bar Number 564450

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